

Starkweather and thus claim 1 is in condition for allowance along with the dependent claims therefrom.

Specifically, in the *Starkweather* reference, the color image data may be obtained from a display output of a color display device, a printed output of color printer device, or a sample article. By transforming the color image data into a device independent color space, different device profiles may be obtained for different output devices. However, the claimed feature of the receipt of a graphical object with the associated image information to generate a device profile based on the associated image information is not taught or suggested by the *Starkweather* reference. On the contrary, *Starkweather* simply discloses obtaining color image sampling data at a sensor for the purposes of calibration, adjusting a color imaging system for new display image data that is subsequently designated for output.

Clearly, there is no teaching or even a remote suggestion or hint of receiving a graphical object having associated image information to generate a device profile based on the associated image information, as claimed in claim 1. Applicants therefore respectfully submit to the Examiner that the *Starkweather* reference fails to teach or disclose receiving both the graphical object and the associated image information therewith, of which the associated image information may be used to generate a device profile for the graphical object itself. For these reasons alone, the *Starkweather* reference does not anticipate independent claims 1, 7, and the respective dependent claims therefrom.

Independent claims 14 and 22 also stand rejected over *Starkweather* 35 U.S.C. § 102(b). Based on the arguments noted above as to the two specific limitations of the rejected claims 1 and 7, claims 14 and 22 are patentably distinguishable over the *Starkweather* reference. In particular, teachings of *Starkweather* do not amount to the claimed device that captures a graphical object having an image profile information portion and a data portion where a generator may generate a device profile based on the image profile information portion, as claimed in the system of claim 14.

As to the method of claim 22, the feature of receiving a graphical object having an image and device profile information part and a data part in order to selectively generate a current device profile for a color management system is absent in the *Starkweather* reference (see Figure 5 method steps and column 8, lines 24-27). Accordingly, none of the rejected claims 14 and 22 are anticipated by the teachings of *Starkweather*. The Examiner is respectfully requested to reconsider the rejection of independent claims 14 and 22 and the respective dependent claims thereon, as these claims are deemed to be allowable by the Applicants.

With regard to claims 1, 7 and 14 which were also rejected under 35 U.S.C. § 103 over *Sakuyama* and *Starkweather*. Again, without a specific hint or suggestion, it would not have been obvious to a person of ordinary skill in the art at the time of Applicants' invention to modify the *Sakuyama* reference based on the teachings of *Starkweather*. That is, there is no hint whatsoever in the cited art as to generating a device profile in order to set the measurements or the characteristics of the image to be used in presenting this image to an output device. Even so modified by the *Sakuyama* reference, the *Starkweather* reference, considered either alone or in combination, fails to teach or suggest receiving a graphical object having associated image information to generate a device profile based on the received associated image information received along with the graphical object.

Even if the teachings of *Starkweather* could be combined with those of *Hayes*, the combination fails to produce the claimed invention in independent claims 15 and 21. The Examiner applies use of a digital camera or a second circuit to formulate these rejections. But these formulations cannot be construed as claim limitations directed to capturing a graphical object having an image and profile information portion and a data portion in the context of claim 15 because missing a reason, suggestion or motivation to modify the teachings of *Starkweather* with that of *Hayes* to derive a device such as a digital camera that manages dynamic device color profiles cannot render obvious the Applicants' claimed invention of claims 15. Likewise, absent a specific suggestion or hint, the Examiner's contention that the second circuit taught by *Hayes* cannot result in using a second circuit to communicate the data portion to a color management system, as claimed in claim 21. Therefore, Applicants respectfully submit that independent claims 15 and 21 are allowable.

In connection with the obviousness rejection of claim 22, at least for the above-noted reasons corresponding to claims 1, 7 and 14, the Applicants respectfully request the Examiner that claim 22 and claims dependent therefrom are in condition for allowance. Specifically, modifying the teachings of *Edge* using the *Starkweather* reference for *selectively generating a current device profile in order to select one of the device profiles depending on the output device* destroys the claimed combination to *generate a device profile based on the received, associated image information with the graphical object*. Simply put, combining the teaching of advance generation of a device profile based on data that is first derived from color samples of an image for a later usage with a corresponding object that is obtained subsequently in the *Starkweather* reference renders the combination claimed in claim 22 unobvious because dynamic or automatic generation of device profile is not taught or disclosed, let alone suggested by the cited reference. Accordingly, the Examiner is respectfully requested to

withdraw the obviousness rejection of claim 22 and the claims dependent therefrom. The Examiner is requested to reconsider all the pending claims.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

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